

**FCC Appeal / Request for Waiver**  
**St Louis City School District – BEN 136902 – FY2016**

November 16, 2018

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554 (*submitted electronically via ECFS*)

**Appeal – CC Docket Nos. 96-45 and 02-6**

**USAC Appeal Decision Date:** September 18, 2018

**Form 471 Number:** 161016365

**Funding Request Number (FRN):** 1699042223

**Funding Year:** 2016

**Billed Entity Name:** St Louis City School District

**BEN:** 136902

**Contact Information:**

Contact Person Name: Don Dietrich  
Contact Person Phone: 314-378-1667  
Contact Person Fax: 636-692-5958  
Contact Person E-Mail: [ddietrich@e-rateprofessionals.com](mailto:ddietrich@e-rateprofessionals.com)

**Decision being appealed:** USAC's Denial of our Request for Invoice Extension – Case # 248437 dated September 18, 2018 - copy attached.

**Text from USAC Denial Letter** (SLD Denial Letter is included as Att 1)

“...FCC rules allow for a single, one-time 120-day extension of the deadline to submit an invoice – FCC Form 472 BEAR or FCC Form 474 SPI – but the request for an extension must have been submitted on or before the current invoicing deadline. If you missed your original or extended invoicing deadline, you may file a waiver request with the FCC to request an extension. Then, if the request is approved, you may invoice. To file a waiver request, please follow the instructions for submitting an FCC appeal on the Schools and Libraries website: <http://www.usac.org/about/about/programintegrity/appeals.aspx>. If you have any questions or believe this case was closed incorrectly, please re-open this case or contact us at (888)-203-8100.” ***Note: despite the last sentence in their denial, this case has been closed in EPC and cannot be re-opened.***

**Reason for the Request for Waiver:**

We understand FCC's guidelines on Invoice Deadline Extensions, but we feel that the SLDs actions in this case warrant a waiver. The amount is small but significant and the district has paid for the Local Telephone Service associated with the invoices in question.

As shown by the attached documents and the timeline below the district has been diligent in trying to follow SLD rules in simply getting an invoice for local telephone services paid by SLD.

**FCC Appeal / Request for Waiver**  
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SLD short paid and invoice for Local Telephone service and we have been struggling to re-invoice and recover the short paid amount for many months. The history of this interaction is as follows:

6/21/2017 Service Provider (AT&T) submitted invoice # 2608197 to SLD for \$3094.79

11/2/2017 SLD short paid this invoice with a payment of \$1,975.52 (short by \$ 1,119.27)

2/21/2018 Service Provider (AT&T) submitted invoice #2776830 for short pay amount. This invoice was not paid and the “Last Date for Invoice” had passed.

5/3/2018 At request of Service Provider SLPS files SLD Appeal - Case# 99706 to request reconsideration of invoice and extension of time to file.

6/23/2018 SLD approves Case #99706 and sets new “Last Date to Invoice” to 7/29/18 but due to new SLD notification methods (i.e. Notification via RFCDL instead of response to filers) district does not see approval until September 2018.

9/15/2018 SLPS files USAC Case # 248437 requesting invoice deadline extension.

9/18/2018 SLD denies request.

**Summary and Requested Action:** We are requesting a waiver to allow the re-invoicing of the short paid amount of \$1,119.27 for this FRN. We appreciate your time and consideration.

Sincerely,  
*(filed electronically via SLD website)*  
Don Dietrich, E-Rate Consultant to SLPS  
Telephone: 314-378-1667  
[ddietrich@e-rateprofessionals.com](mailto:ddietrich@e-rateprofessionals.com)

Included below:  
Att 1: SLPS Case 99706 – submission by SLPS  
Att 2: Case 99706 approval by SLD  
Att 3: SLPS Case 248437 – submission and denial by SLD

*(submitted electronically via ECFS)*

[Records](#) / [Appeals](#)

# SLPS Invoice 2776830 - #99706

[Summary](#) [Associated FRNs](#) [Review Inquiries](#) [News](#) [Related Actions](#)

In-Review

Outreach

Wave Ready

Committed

## Appeal Information

[View Status \(+\)](#)**Funding Year** 2016**Submitting Organization** ST LOUIS CITY SCHOOL DISTRICT  
(BEN: 136902)**Created By** Don Dietrich**Created On** 5/3/2018 10:34 AM EDT

## Main Contact

**Name** Don Dietrich**Email** ddietrich@btu-consultants.com**Phone Number** 314-378-1667

## Narrative

PER OUR SERVICE PROVIDER'S REQUEST, WE ARE APPEALING THE SHORT PAY OF INVOICE #2776830 BY \$1119.17 DUE TO THE REASON "INCOMPLETE DOCUMENTS PROVIDED FOR REVIEW." OUR SP HAS REACHED OUT TO THE REVIEWER BUT HAS GOTTEN NO RESPONSE. WE ARE ASKING THAT YOU EXTEND THE INVOICE DEADLINE FOR THE FRN TO ALLOW RE-BILLING.

## Appeal Details

**Decision appealed by applicant** Remittance Statement

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

[View Supporting Documentation \(+\)](#)

# Revised Funding Commitment Decision Letter

## Funding Year 2016

**Contact Information:**

CHERYL VANNOY  
ST LOUIS CITY SCHOOL DISTRICT  
801 NORTH 11TH STREET  
SAINT LOUIS, MO 63101  
[cheryl.vannoy@slps.org](mailto:cheryl.vannoy@slps.org)

**BEN:** 136902**Post Commitment Wave:** 50

## Totals

Original Commitment Amount	\$104,100.00
<b>Revised Commitment Amount</b>	<b>\$104,100.00</b>

## What is in this letter?

Thank you for submitting your post-commitment request for **Funding Year 2016 Schools and Libraries Program (E-rate) funding**. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

## Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



**BEN Name:** ST LOUIS CITY SCHOOL DISTRICT

**BEN:** 136902

**Post Commitment Wave:** 50

- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
  - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
  - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
  - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

## How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

**Note:** The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



**BEN Name:** ST LOUIS CITY SCHOOL DISTRICT

**BEN:** 136902

**Post Commitment Wave:** 50

identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

## Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

## Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



**BEN Name:** ST LOUIS CITY SCHOOL DISTRICT

**BEN:** 136902

**Post Commitment Wave:** 50

## Revised Funding Commitment Decision Overview

### Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699042223	Southwestern Bell Telephone Company	Appeals	\$104,100.00	Approved



**BEN Name:** ST LOUIS CITY SCHOOL DISTRICT

**BEN:** 136902

**Post Commitment Wave:** 50

<b>Post Commitment Request Number:</b> 99706	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Approved
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<b>FRN:</b> 1699042223	<b>Service Type:</b> Voice	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471: 161016365</b>			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$208,200.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$208,200.00	
Discount Rate		50.00%	
Revised Committed Amount		\$104,100.00	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2017
Contract Award Date	
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Southwestern Bell Telephone Company
SPIN (498ID)	143004662
Contract Number	
Account Number	MULTIPLE
Establishing FCC Form 470	160015597

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

**Revised Funding Commitment Decision Comments:**

**Post Commitment Rationale:**

Based on your appeal letter and the relevant documentation, your appeal is approved and you have 30 days from the date of this notification to submit an invoice. Please note that when invoice documentation is requested all listed items (BTN accounts) must be included in your response.



[Records](#) / [Customer Service Cases](#)

## #248437 - Invoice Extension FRN 1699042223

[REOPEN CASE](#)[Summary](#) [News](#) [Related Actions](#)

## Case Details

**Topic** FCC Form 474 - SPI - Other  
**Status** Closed  
**Priority** Medium  
**Inquiry Type** Web

**Form Type** FCC Form 474  
**Form Number** 2776830  
**Created By** Don Dietrich  
**Created On** 9/16/2018 12:06 AM EDT  
**Organization** [ST LOUIS CITY SCHOOL DISTRICT](#)

## Case Description

**Description** We had appealed a short payment on this FRN (See appeal - SLPS Invoice 2776830 - #99706) that was approved but the "Last Date to Invoice" now shows 7/29/18. Our Service Provider has requested that we request an invoice extension to re-invoice.

## Case Artifacts

## Documents

Name	Uploaded By	Upload Date
<a href="#">USAC Appeal 99706 - short pay of 2776830 05-03-18</a>	Don Dietrich	9/16/18 12:06 AM

## Attachments

Attachment	Attachment Type
No items available	

## Case Thread

User	Note	Date
USAC	<p>Thank you for contacting USAC Client Service Bureau regarding invoice extensions.</p> <p>FCC rules allow for a single, one-time 120-day extension of the deadline to submit an invoice – FCC Form 472 BEAR or FCC Form 474 SPI - but the request for an extension must have been submitted on or before the current invoicing deadline.</p> <p>If you missed your original or extended invoicing deadline, you may file a waiver request with the FCC to request an extension. Then, if the request is approved, you may invoice.</p> <p>To file a waiver request, please follow the instructions for submitting an FCC appeal on the Schools and Libraries website: <a href="http://www.usac.org/about/about/program-integrity/appeals.aspx">http://www.usac.org/about/about/program-integrity/appeals.aspx</a></p> <p>If you have any questions or believe this case was closed incorrectly, please re-open this case or contact us at (888)-203-8100.</p> <p>Thank you, Te'Rita T. Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	9/18/2018 3:30 PM EDT

## Case Contact

**Case Contact** Don Dietrich